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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ORCHID ISLAND TRS, LLC (formerly  
known as Opteum Financial Services, LLC)  
and BIMINI CAPITAL MANAGEMENT,  
INC. (formerly known as Opteum Inc.)

Plaintiffs,

v.

INDYMAC BANCORP, INC. and  
INDYMAC BANK, FSB,

Defendants.  
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07 Civ. 9550 (LLS)

**MOTION ON CONSENT TO ADMIT  
COUNSEL PRO HAC VICE**

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and with the consent of all parties, I, Robert Novack, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Mary L. Moore  
Edwards Angell Palmer & Dodge LLP  
One Giralda Farms  
Madison, New Jersey 07940  
P: (973) 520-2300  
F: (973) 520-2600

Mary L. Moore is a member in good standing of the Bar of the State of New Jersey.

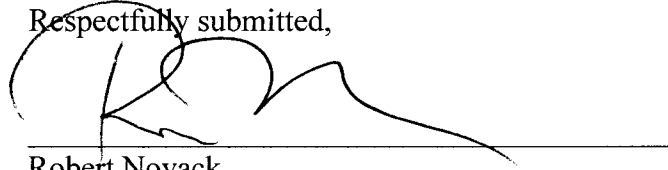
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APR 28 2008  
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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
APR 26 11 56 AM '08

There are no pending disciplinary proceedings against Mary L. Moore in any State or Federal court.

Dated: April 21, 2008  
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Robert Novack', written over a horizontal line.

Robert Novack  
EDWARDS ANGELL PALMER & DODGE LLP  
750 Lexington Avenue  
New York, NY 10022  
P: (212) 308-4411  
F: (212) 308-4844

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) and BIMINI CAPITAL MANAGEMENT, INC. (formerly known as Opteum Inc.)

Plaintiffs,

V.

INDYMAC BANCORP, INC. and  
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Defendants.

07 Civ. 9550 (LLS)

**AFFIDAVIT OF ROBERT NOVACK  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

STATE OF NEW JERSEY) ) ss:  
COUNTY OF MORRIS )

ROBERT NOVACK, being duly sworn, hereby deposes and says as follows:

1. I am a member of the bar of this Court and of the firm of Edwards Angell Palmer & Dodge LLP, which represents plaintiffs in this matter. I am familiar with the proceedings in this case and make this affidavit based on my personal knowledge of the facts as set forth herein and in support of plaintiffs' motion to admit Mary L. Moore as counsel pro hac vice to represent plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in the State of New York in 1985. I am also admitted to and am in good standing with the bar of the United States District Court for the Southern District of New York.

3. I have been a colleague of Ms. Moore for several years. I know that she observes the highest standards of professionalism and of ethical conduct, is a skilled attorney experienced in Federal practice, and is familiar with the Federal Rules of Civil Procedure.

4. We have conferred with opposing counsel who represented to me that he consents to the relief requested by this motion.

5. Annexed hereto is the affidavit of Ms. Moore, to which is annexed as an exhibit a certificate of good standing issued within the past 30 days by each state in which she is admitted to the bar.

6. I respectfully submit a proposed order granting the admission of Mary L. Moore, *pro hac vice*, enclosed herewith.

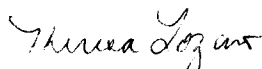
WHEREFORE it is respectfully requested that the motion to admit Mary L. Moore, *pro hac vice*, to represent plaintiffs in the above captioned matter, be granted.

Dated: April 21, 2008  
Madison, New Jersey

Respectfully submitted,

  
ROBERT NOVACK

Sworn to before me this  
21<sup>st</sup> day of April, 2008

  
\_\_\_\_\_  
Notary Public  
**THERESA LOZANO**  
**NOTARY PUBLIC OF NEW JERSEY**  
**Commission Expires 5/12/2010**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) and BIMINI CAPITAL MANAGEMENT, INC. (formerly known as Opteum Inc.)

Plaintiffs,

**V.**

INDYMAC BANCORP, INC. and  
INDYMAC BANK, FSB,

Defendants.

07 Civ. 9550 (LLS)

**AFFIDAVIT OF MARY L. MOORE  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL *PRO HAC VICE***

[illegible]

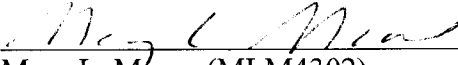
MARY L. MOORE, being duly sworn, hereby deposes and says as follows:

1. I am counsel with the law firm of Edwards Angell Palmer & Dodge LLP.
2. I submit this Affidavit in support of plaintiffs' motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of New Jersey and I am also admitted to the United States District Court for the District of New Jersey.
4. There are no pending disciplinary proceedings against me in any State or Federal court, and I have never been the subject of any disciplinary proceeding.

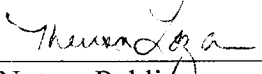
5. I have read and am familiar with (a) the provisions of the Judicial code (Title 28, U.S.C. which pertain to the jurisdiction of, and practice in, the United States District Court); (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Court for the Southern District of New York; and (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York, and will faithfully adhere thereto.

Dated: April 21, 2008  
Madison, New Jersey

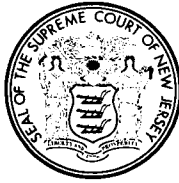
Respectfully submitted,

  
Mary L. Moore (MLM4302)

Sworn and subscribed to before  
me this 21<sup>st</sup> day of April 2008

  
\_\_\_\_\_  
Notary Public  
**THERESA LOZANO**  
**NOTARY PUBLIC OF NEW JERSEY**  
Commission Expires 5/12/2010

# Supreme Court of New Jersey

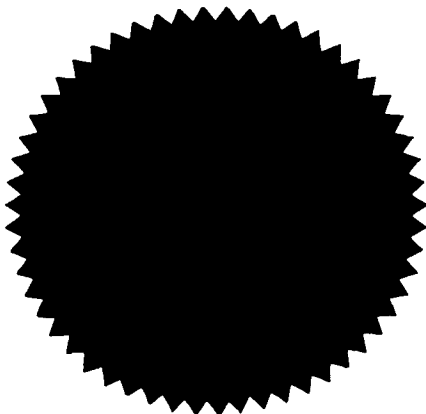


## Certificate of Good Standing

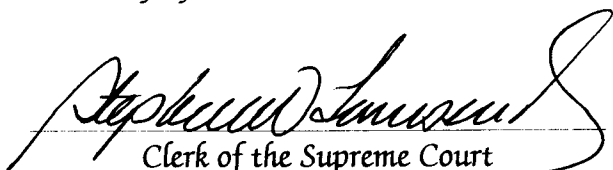
This is to certify that **MARY L MOORE**  
(No. **023421991** ) was constituted and appointed an Attorney at Law of New  
Jersey on **December 19, 1991** and, as such,  
has been admitted to practice before the Supreme Court and all other courts of this State  
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in  
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"  
if the Court's records reflect that the attorney: 1) is current with all assessments  
imposed as a part of the filing of the annual Attorney Registration Statement, including,  
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client  
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not  
resigned from the Bar of this State; and 4) has not been transferred to Disability  
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's  
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to  
practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
11TH day of April , 20 08

  
Clerk of the Supreme Court

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) and BIMINI CAPITAL MANAGEMENT, INC. (formerly known as Opteum Inc.)

Plaintiffs,

V.

INDYMAC BANCORP, INC. and  
INDYMAC BANK, FSB,

Defendants.

07 Civ. 9550 (LLS)

## ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION

Upon the motion of Robert Novack, attorney for Plaintiffs Orchid Island TRS, LLC (f/k/a Opteum Financial Services, LLC) and Bimini Capital Management, Inc. (f/k/a Opteum Inc.), and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Mary L. Moore  
Edwards Angell Palmer & Dodge LLP  
One Giralda Farms  
Madison, NJ 07940  
P: (973) 520-2300  
F: (973) 520-2600  
mmoore@eapdlaw.com

is admitted to practice *pro hac vice* as counsel for the Plaintiffs Orchid Island TRS, LLC (f/k/a Opteum Financial Services, LLC) and Bimini Capital Management, Inc. (f/k/a Opteum Inc.), in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court.



including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, NY  
\_\_\_\_\_, 2008

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United States District/Magistrate Judge